

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:07-cr-213-02

v.

HONORABLE PAUL L. MALONEY

REGINALD J. BLAND,

Defendant.

_____ /

MEMORANDUM OPINION AND ORDER

Defendant Reginald J. Bland has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

The defendant, however, is currently serving a term of imprisonment based on his offense which included distributing an amount of cocaine base in excess of 4,500 grams. At sentencing, the defendant contested the drug quantity appropriately attributable to him. The Government called Mr. Tommy Ellis who testified that defendant dealt quantities exceeding 8.4 kilograms.

The Court found that testimony “totally credible” and ruled for purposes of that hearing that the defendant’s drug quantity was at least as high as the top threshold of 4.5 kilograms. The difficulty for the defendant is that the “totally credible” witness established quantities exceeding the amended threshold of 8.4 kilograms. Accordingly, Amendment 750 is of no assistance to defendant and he is ineligible for a reduction of sentence. Even if he was eligible, the Court would not further reduce Mr. Bland’s sentence after consideration of all relevant factors consistent with the policy statements of the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Accordingly,

IT IS HEREBY ORDERED that Defendant Reginald J. Bland’s motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 380) is **DENIED**.

Date: July 23, 2012

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge